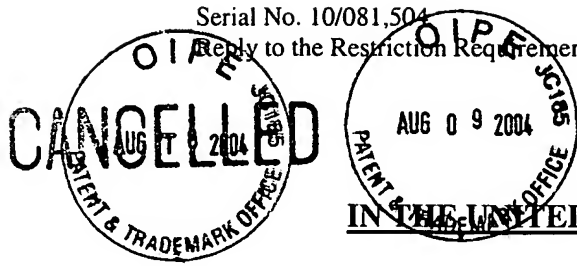


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Serial No. 10/081,504  
Reply to the Restriction Requirement of July 12, 2004



Attorney Docket No. MFA-14502/04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Artur Schwörer

Serial No.: 10/081,504

Group Art Unit: 3634

Filing Date: February 22, 2002

Examiner: Alvin C. Chin Shue

Title: SCAFFOLD WITH VERTICAL SUPPORTS AND HORIZONTAL CARRIERS

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed July 12, 2004, Applicant elects the first group upon which claims 2-20 and 23 are readable. Applicant reserves the right to file a divisional application to the subject matter of claim 22.

Applicant respectfully submits that claim 23, i.e. the independent claim in this application, is allowable over the prior art references of record for all the reasons discussed at the interview conducted between Applicant's counsel and the Patent Examiner on March 29, 2004.

More specifically, as discussed at the above-mentioned interview, claim 23 has been amended to much more clearly define that the guide stops 15 are not only spaced from the short sides 16 and 17 of the decks, but also that the guide stops extend along only a portion of the deck. Furthermore, claim 23 has been further amended to more clearly define that once the deck is installed on the scaffolding carriers, the deck is supported solely by the first horizontal carriers 12.

The prior art neither shows nor renders obvious Applicant's invention as it is now defined in claim 23. Specifically, the German Miller patent merely discloses a structure in which the shelves 10 are wholly supported by elongated horizontal carriers 41. This, of course, is the opposite of the present invention as more now clearly defined in claim 23. Claim 23 clearly defines that the decking is supported solely by the holding means at the short end of the deck. In the Miller patent, there is absolutely no attachment between the shelving and the short end of the shelving with the horizontal carriers 47.

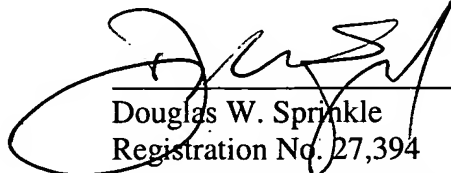
Additionally, in the Miller patent the shelving 10 is fully supported by the elongated horizontal carriers 41. As pointed out at the interview, there is absolutely no reason, other than hindsight provided by the instant disclosure, to add hooks 12a and 12b of Waters et al. to the Miller patent as previously suggested by the Examiner. To do so would be clearly redundant to the Miller disclosure and constitute nothing short of a piecemeal reconstruction of Applicant's invention from the prior art. Such a piecemeal reconstruction based upon hindsight is not permissible pursuant to 35 U.S.C. §103.

In short, none of the references cited by the Patent Examiner disclose Applicant's invention of the guide stop which permits the decking to be easily assembled onto the horizontal carriers and in which the decking is supported at its short ends by the hooks in the fashion now clearly defined in claim 23. Applicant therefore submits that claim 23, together with its

dependent claims, patentably define Applicant's invention over the prior art references of record.

As such, these claims are allowable and such action is respectfully solicited.

Respectfully submitted,

  
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DATE OF DEPOSIT August 9, 2004

I hereby certify that this paper or fee (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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Lynn Hill